

California Regional Water Quality Control Board
North Coast Region

CEASE AND DESIST ORDER NO. R1-2004-0095

REQUIRING THE CITY OF WILLITS
TO CEASE AND DESIST FROM DISCHARGING AND THREATENING
TO DISCHARGE WASTE IN VIOLATION OF
WASTE DISCHARGE REQUIREMENTS ORDER NO. R1-2001-71
NPDES PERMIT NO. CA0023060
WDID NO. 1B80078OMEN

Mendocino County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. The City of Willits (hereinafter permittee) owns and operates a municipal wastewater treatment facility (WWTF) located northeast of Willits adjacent to Broaddus and Baechtel Creeks, tributaries to the Eel River. The WWTF serves the City of Willits and the Brooktrails Community Services District. The WWTF consists of extended aeration, settling, disinfection, and dechlorination. Design flows are 1.3 million gallons per day (mgd) average dry weather and 3.0 mgd peak wet weather. Current dry weather flows are 0.70 mgd and peak wet weather flows exceed 3.0 mgd.
2. The WWTF is regulated by Waste Discharge Requirements Order No. R1-2001-71 NPDES Permit No. CA0023060, WDID No. 1B80078OMEN, adopted by the Regional Water Board on June 28, 2001.
3. Pursuant to provisions of the Water Quality Control Plan for the North Coast Basin (Basin Plan), Order No. R1-2001-71 restricts the effluent discharge to the Eel River and its tributaries from October 1 to May 14 each year to no greater than 1% of the receiving water flow. Effluent discharge to the Eel River and its tributaries is prohibited from May 15 through September 30, during which time treated and disinfected effluent is irrigated on 45 acres of pasture owned by the permittee and 200 privately owned acres.
4. Broaddus Creek is one of several tributaries to Outlet Creek, which drains the Little Lake Valley where the City of Willits is located. Outlet Creek is tributary to the Eel River. Stream flow volumes in all of the Little Lake Valley creeks fluctuate rapidly in response to storm events. Flows diminish rapidly after each rainstorm passes. Wastewater flow volumes from the City's WWTF frequently exceed 1% of the receiving water flow during nonrainy periods of the winter months. Land disposal areas are saturated during winter months and do not absorb irrigated effluent, resulting in runoff and discharge to Outlet Creek in excess of the 1% restriction.

5. Portions of Order No. R1-2001-71 that are being violated or threaten to be violated by continued discharges are:

A. "DISCHARGE PROHIBITIONS

2. The discharge of any waste to property not under control of the permittee is prohibited, except as authorized under **D. SOLIDS DISPOSAL**.
3. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited. [Health and Safety Code, Section 5411]
7. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the receiving waters."
6. The permittee conducted hydrographic studies of streamflows in the Outlet Creek system and prepared a Long-term Wastewater Treatment and Effluent Management Plan (July 2000, January and February 2001) containing alternatives addressing compliance with the Basin Plan effluent discharge prohibitions and restrictions. The permittee prepared an Environmental Impact Report (EIR) in conformance with provisions of the California Environmental Quality Act, and has proposed a method of long-term compliance.
7. Cease and Desist Order No. R1-2001-77 (CDO) was issued to the permittee on June 28, 2001. The CDO contained a time schedule with 6 tasks. Task A, B, and C require submittal of a draft, final, and certified EIR for the proposed project between June 1, 2002, and April 1, 2003. Tasks D, E, and F require design, and start and complete construction between April 1, 2004, and June 1, 2006. Tasks A, B and C have been completed. Tasks D, E, and F have yet to be completed, and the anticipated completion dates will violate the dates outlined in the CDO.
8. Pursuant to Section 15321, Title 14, California Code of Regulations, adoption of a cease and desist order is an enforcement action for the protection of the environment and as such is exempt from the requirements of the California Environmental Quality Act.
9. On November 29, 2004, after due notice to the discharger and all other affected persons, the Regional Water Board conducted a public hearing and received evidence regarding this cease and desist order.

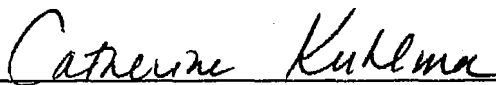
THEREFORE, IT IS HEREBY ORDERED that Order No. R1-2001-77 shall remain in effect and the compliance time schedule contained in Cease and Desist Order No. R1-2001-77 is amended by the following compliance time schedule and the City of Willits shall cease and desist from discharging and threatening to discharge waste in violation of **A. DISCHARGE PROHIBITIONS** 2, 3, and 7 of Order No. R1-2001-71 (NPDES Permit No. CA0023060) and shall comply with following time schedule:

- Task A Submit 10% design of proposed project by June 1, 2005.
- Task B Submit 50% design of proposed project by October 1, 2005.
- Task C Submit final design of proposed project by March 1, 2006.
- Task D Commence construction of proposed project by June 1, 2006.
- Task E Complete construction of proposed project and ensure compliance with the Basin Plan by December 1, 2007.

During the time period described above, the permittee shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with A. DISCHARGE PROHIBITIONS 2, 3, and 7 to the maximum extent practicable.

Certification

I, Catherine E. Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on November 29, 2004.


Catherine E. Kuhlman
Executive Officer